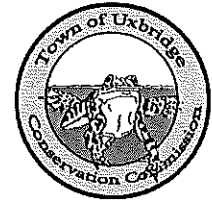


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



**Conservation Commission Meeting Minutes
January 3, 2022**

RECEIVED TOWN CLERK
2022 FEB 28 4:51:11

Present: Jeff Shaw, Paul Balutis, & Lauren Steele (in person), Philip Bertuglia, Jessica Cleary, Russell Holden, & Tomas Etzold (remote)

Roll Call Vote: Shaw – here, Balutis – here, Steele – here, Bertuglia – here, Cleary – here, Holden – here, Etzold - here

CALL TO ORDER:

It being approximately 6:48 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson followed by the pledge of allegiance.

1. Notice of Intent (NOI) DEP #312-11XX 130 Aldrich Street (Map 45 Parcel 1764) (00:00:35 – 00:10:12)

Applicant: George Pendleton, Uxbridge MA

Representative: Hawk Consulting, Inc., Douglas MA

Project Description: Replacement of an existing failed septic system within the Buffer Zone of a Bordering Vegetated Wetland. *Public Hearing Opened 12/6/21.*

Discussion: George Pendleton, the homeowner and applicant attended on behalf of the NOI. A DEP # has been assigned w/ no comments to the incorrect town (Douglas). Mr. Pendleton's engineer has been trying to reach DEP to have the problem corrected but has not yet had a response. He asked whether it was possible to have the work approved prior to the resolution because they have a failed septic system.

Members discussed and agreed to approve the project because of type of project and the limited potential impacts to any resource areas. They also agreed to approve it on the condition that a correct file number be issued and any additional comments addressed.

Motion: Mr. Holden made a motion to approve the applied for Notice of Intent for 130 Aldrich Street with the Uxbridge Standard Special Conditions on the condition that if DEP has any comments specific to the project that the Commission can address them as needed. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0 (Steele – aye, Shaw – aye, Balutis – aye, Bertuglia – aye, Holden – aye, Cleary – aye, Etzold – aye)

2. Notice of Intent (NOI) DEP #312-11XX Douglas Street (Route 16) Right of Way & Route 146 Ramps (11:09 – 31:55)

Applicant: Campanelli VI LLC, Braintree MA

Representative: Kelly Engineering Group, Inc, Braintree MA

Project Description: Right of Way Work at the intersection of Worcester Providence Highway (Route 146) and Douglas Street (Route 16). *Public hearing opened 12/6/21.*

Discussion: David Mackwell, Kelly Engineering and John Rockwood, Ecotec attended on behalf of the applicant. Mr. Mackwell provided a brief recap of activities since the last meeting – a site visit with Commissioners took place to review the site and replication areas. DEP has not yet assigned a number so Mr. Mackwell requested to continue the public hearing unless there were any questions or comments from the public or Commissioners.

Mr. Balutis inquired how close the temporary roadway will come to the Cold Spring Brook (NB ramp). Mr. Mackwell said anything temporary should not come any closer to the resource area. The plans were reviewed be 11' feet closer than the existing roadway. Mr. Mackwell agreed to confirm the distance between the roadway and the brook at the next meeting but a quick calculation estimated there to be approx. 40' between the closest utility and the brook.

Mr. Holden pointed out condition #38 (*Construction materials, vehicles, portable toilets and earth shall be stored outside of the 100-foot buffer zone of wetland resource areas or 200-foot Riverfront Areas, unless otherwise demarcated and authorized on the approved plans*) and inquired as to the Applicant's plans for storing machinery overnight. Mr. Mackwell suggested at the commencement of work the contractor has an established equipment storage place. They will not be enough room on the side of the road unsecured at night. Mr. Mackwell agreed to follow up w/ the traffic consultants and the

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Town to ensure equipment is not stored in the roadway during the project if possible. Everyone agreed during the EC inspection the concerns can be addressed with the local engineer and contractor.

There was also a discussion about the drainage in the area and the stormwater system installed.

Motion: Mr. Balutis made a motion to continue the NOI for the Douglas Street and Rt. 146 Ramps to the next meeting of the Conservation Commission on January 18, 2022. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0 (Steele – aye, Shaw – aye, Balutis – aye, Bertuglia – aye, Holden – aye, Cleary – aye, Etzold – aye)

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (00:31:56 – 01:33:59)

- Elizabeth Mainini, G&H Engineering attended the meeting in person and presented on behalf of Uxbridge Multi Family Realty and affiliated contractor FRE Building Co., Inc (collectively, FRE). FRE's counsel Angela Conforti also attended the meeting. They proposed an agreement with the idea to control the release of foundations by the area surrounding each of the foundations being stabilized or not – so only the area surrounding 4 units would be allowed to be not stabilized at any one time. The Uxbridge Planning Board felt comfortable with Graves making the decision as to whether or not an area was stabilized or not.
- Members said the agreement was a good start but also had questions (how often will there be inspections, what triggers an inspection, what are the standards being used to determine whether an area is stabilized, etc.) Ms. Mainini said she understood it... they would be working on four foundations, once an area around one of the foundations is stabilized Graves would be contacted to inspect the area, once Graves verifies the area is stable and then another foundation can be started. She offered the option of a Commissioner (or an agent) inspecting and providing approval also. She also offered that Graves provide weekly reports if the Commission requests it.
- Ms. Mainini said G&H is planning to submit the stormwater permit application to the Planning Board the following day. This application/permit details specifically how & when to install erosion control, where specific types need to be in place – and should provide additional control measures going forward.
- Ms. Mainini said she thinks one of the issues has been not properly managing the site so managing the progression of work appropriately is what they are looking for from Graves. Commission members agreed – they feel the plan is good but the execution and oversight has been lacking.
- There was discussion about grading because in Ms. Mainini's 12/3/20 letter to the Commission it appeared as if the grading changes would be complete by the end of the year. Ms. Mainini clarified that her intention was to identify areas that are particularly problematic or flat (less than 2% slope) and fix those during the winter months – there was only one area identified and has been regraded. She said essentially, if they try to do it all right now a large expanse of area would need to be disturbed at once which they don't want to do. She did say they saw significant improvement in the ponding in some of the yards and that the flooding should be maintained in the swale. Members pointed out the how saturated the ground is everywhere and that it's almost like walking on a sponge. Ms. Mainini said in her opinion that is due to the make up of the soil and the lack of vegetation (mostly the lack of vegetation).
- Abutter Comments:** Mike Bresciani, 49 Tea Party Drive, provided a video of the ponding to the Commission. He also expressed concerns with anything being able to grow on the hill due to the type of soil and the number of times tried prior (4). He asked if anything can be done in the before the spring – she offered to install some temporary riprap. Mr. Macdonald 29 Tea Party Drive said there is still ponding and his dog cannot use his backyard. Ms. Mainini responded and offered a similar fix to Mr. Bresciani.
- There was further discussion about the site, how we got to where we are now and how to get to a reasonable agreement that the Commissioners feel comfortable with and that works in parallel Planning Board Agreement. Members agreed to leave the EO in place (essentially) and amend it as needed to allow for lots. The EO still calls for the site to be stabilized every evening, rain reports to be provided, the basin to be monitored for sediment and cleaned when needed, etc).
- Members discussed and agreed to allow units G2, G3, G4, and L3 to go forward (erosions controls area in place, some excavation has already occurred). Everyone agreed moving forward before any additional lots can be added, FRE will provide documentation that the lots are stabilized (reports from Graves, our own inspections).
- Abutter Comment:** Ms. Bresciani, 49 Tea Party Drive, had a question relative to unit L3 which is uphill from her - units M1 & M2 have put fences up and she inquired why that was allowed and how will the grading and or any repairs occur with fences in place? Ms. Mainini referred to Ms. Conforti or the HOA for the question of how they were allowed. She also explained the grading in that area is expected to stay as is – no significant grade changes planned.
- Motion:** Mr. Holden made a motion to except the four lots G2, G3, G4, and L3 from the current Enforcement Order – all other provisions still stand. Ms. Steele seconded and the motion passed unanimously by roll call vote of 5-0-1

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(Holden – aye, Steele – aye, Shaw – aye, Balutis – aye, Etzold – aye). *Mr. Bertuglia abstained from vote and Ms. Cleary left the meeting at 8:19pm prior to vote.*

2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (01:33:40 – 01:35:20)
 - Mr. Shaw reported someone has they've started some grading work on the swales, the large stockpile (a problem for one of the neighbors) has been moved. Members agree it is a "long term violation" and discussion about reconstruction of the basins should start once the roadway, swales, sidewalks are finished.
3. DEP# 312-1104 — 515 Douglas Street (01:35:22 – 01:40:02)
 - Art Allen, Ecotec attended the meeting. He reported the last time he was on site was 11/11/21 and that all the work has been completed and all the silt and materials have been removed, wetland seed mix was spread and the area mulched w/ the heat-treated wheat free straw mulch under supervision and his report dated 11/29/21 documents all the work. He believes they are done at this point. The better part of ¼ of an acre was impacted by sediment, they removed a 78 cu yards of fine sand and silt. He said at this point he believes all the work has been completed. No comments from the
 - **Motion:** Mr. Shaw made a motion to lift the EO for DEP #312-1104. Ms. Steele seconded, and the motion passed unanimously by roll call vote (Steele – aye, Etzold – aye, Bertuglia – aye, Holden – aye, Shaw – aye). Mr. Balutis recused himself from discussion.
4. Commerce Drive Well Site – request to close EO (01:53:20 – 02:07:35)
 - Art Allen, EcoTec provided information and answered questions as he was had been hired by Andrews Survey and Engineering to help with the restoration. The violation was that the area was cleared of all woody vegetation during the summer of 2017. There are significant wetlands and rare species habitat and wetlands were not delineated and no permits were pursued prior to the clearing. The Commission became aware and issued an Enforcement Order. DEP also issued an Administrative Consent Order. Mr. Allen was brought on board in 2018 evaluated the site and prepared a restoration protocol that was approved via an amended EO. Plantings went in during summer 2018 and monitored for 2 growing seasons – supervised and documented by Art. His final report was 10/9/2020 has before and after photos – the site has come in very well from a combo of resprouting and the plantings – no exposed soil or erosion – site is stable and well vegetated. No subsequent work has been done.
 - Members asked whether the vernal pools were ever certified and said that looking at the planting plan would be useful # requested was planted and survived. Significant amount of Black Locust in the area. Mr. Allen recalled seeing the Black Locust and stated that it was only located in the buffer zones regenerated from stumps there prior to the violation. Everything he spec'd in terms of #s was planted and accounted for. There wasn't a planting plan because it was directed by Art's onsite. Art stated he would check his records and provide a list of any replacements.
 - Regarding the vernal pools –Mr. Allen explained that an application (with evidence from his initial review of the area) was submitted to Natural Heritage but they required additional information. The following 2 spring seasons were too dry and the pools did not filling early enough to collect any evidence. Members hoped to be able to collect some evidence in the future.

WETLAND UPDATES AND ISSUES

5. Review of Conservation Restrictions for portions of 515 Douglas Street and Lot 5 High Street related to the 515 Douglas Street/Amazon Project DEP#312-1104 01:40:02 – 01:53:14)
 - Three things the Commission should be looking for: (i) a base line report (photos - ground & aerial, description of the current conditions, (ii) the property surveyed and well-marked at corners, (iii) and endowment to cover any expenses the grantee may occur to maintain and monitor the property (iv) commissioners should visit the site
 - John Rockwood, Ecotec – said the boundaries have been placed in the field and sign is already marked w/ signs and is shown on the plans submitted. Members agreed to visit the site on January 15, 2022.
 - Rob Demarco – asked if there was an amount that would satisfied the condition – and offered \$5000 (similar to what is offered for a land trust). Members seemed comfortable w/ \$5000 but agreed to wait until after the site visit to vote to ensure there are not any complicating factors on site.

1. Discussion of site compliance regarding active & expired Orders of Conditions

PROCESSING

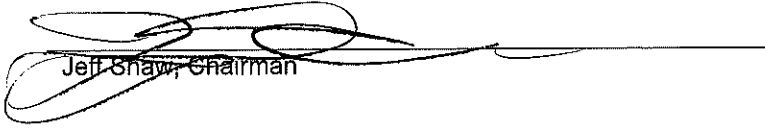
1. Meeting Minutes Review 12/6/21 and 12/27/21
 - It was noted that the November 15 meeting minutes were missing some information and should be revised. 12/6 minutes passed over due to lack of quorum.
 - **Motion:** Mr. Holden made a motion pass over the meeting minutes review to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, January 3, 2021

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Motion: Ms. Steele moved to adjourn the January 3, 2022 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 4-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman